

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY PRODUCTS
LIABILITY LITIGATION

THIS DOCUMENT RELATES TO:

People of the State of California, et al. v. Meta Platforms, Inc., et al.

MDL No. 3047

Case Nos.: 4:22-md-03047-YGR-PHK

4:23-cv-05448-YGR

**[PROPOSED] ORDER GRANTING
META'S MOTION FOR DISCOVERY
SANCTIONS REGARDING STATE
AGENCIES**

Judge: Hon. Yvonne Gonzalez Rogers
Magistrate Judge: Hon. Peter H. Kang

Pursuant to Federal Rule of Civil Procedure 37(b), the Court GRANTS Meta's Motion for Discovery Sanctions Regarding State Agencies. The Court finds that the agencies listed in the chart below violated its discovery orders, and that the States of which those agencies are a part therefore violated those discovery orders. In particular, the Court finds that the agencies and States listed below violated the Court's September 6, 2024 Order (ECF 1117) finding that these agencies are subject to party discovery and ordering them promptly to confer with Meta to resolve Meta's discovery requests to them. In addition, the Court finds that the agencies listed in Column D violated the Court's Orders at ECF 1291, 1299, 1380, and 969, and the Orders issued orally at the December 11, 2024 Discovery Management Conference, by failing to meet the deadlines imposed by those Orders and/or failing promptly and sufficiently to confer and negotiate to comply with those Orders. The Court further finds that the agencies listed in Column E below violated the Court's Order that the general relevant time period for discovery concerning Meta begins January 1, 2012 (ECF 969 at 5) by refusing to produce documents from before 2015.

The Court awards sanctions as laid out in the following chart.

For the agencies indicated in Column C, the Court sanctions the agency at issue by finding a violation of the Court's orders, as described above.

For the agencies indicated in Column D, the Court sanctions the agency at issue as follows: (1) the agency is ordered to run Meta's most recently proposed search terms and custodians to determine the scope of their document productions in response to Meta's requests for production ("RFPs"); (2) the States' and agencies' objections to Meta's RFPs are deemed overruled and/or waived and the States and agencies may not rely on those objections to limit their productions in response to Meta's RFPs; (3) if the agency fails to complete its productions in response to Meta's RFPs by January 10, 2025, that agency is ordered to immediately procure an eDiscovery vendor, at the State's cost, that is capable of promptly collecting, reviewing, and producing the documents; and (4) if the agency fails to complete its productions in response to Meta's RFPs by January 10, 2025, Meta shall have an additional seven hours of 30(b)(6) deposition time beyond that previously granted, and the State of which the agency is part shall (in addition to completing those document productions) prepare its 30(b)(6) witnesses to competently testify about the topics that would otherwise have been covered by the agencies' (deficient) document productions.

For the agencies indicated in Column E, the State of which the agency is part is prohibited from

1 citing or relying on documents or conduct of Meta from before 2015 at summary judgment or trial.

2 For the agencies indicated in Column F, the Court awards reasonable fees and costs to Meta
3 pursuant to Rule 37(b); Meta shall submit a proposed award of fees and costs for the Court to examine.

4 For the agencies indicated in Column G, the Court awards a monetary sanction for each day that
5 the agency continues to not fully comply with all Court orders, including this one. That award shall be
6 \$200 per day, to double each week. Once the agency believes it is in compliance, it may file a notice with
7 the Court so stating under penalty of perjury and explaining how it is in compliance.

A	B	C	D	E	F	G
State	Agency	Finding of violation of court order	Required to Run Meta's Custodians and Search Terms; Objections Overruled; Produce 30(b)(6) Deponent; and Procure eDiscovery Vendor	Prohibited from Relying on Pre-2015 Documents and Conduct	Fees and Costs	Prospective Monetary Sanctions
AZ	Department of Child Safety	X	X	X	X	X
AZ	Department of Education	X	X	X	X	X
AZ	Board of Education	X	X	X	X	X

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AZ	Department of Health Services	X	X	X	X	X
CA	Department of Health Care Services	X	X		X	X
CA	Health and Human Services Agency	X	X		X	X
CA	Mental Health Services Oversight and Accountability Commission	X	X		X	X
CO	Colorado Behavioral Health Administration	X	X		X	X
CO	Colorado Department of Education	X	X		X	X
CO	Colorado Department of Higher Education	X	X		X	X
CO	Colorado Department of	X	X		X	X

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	Human Services					
CO	Colorado Governor's Office	X	X		X	X
CO	Colorado Office of State Planning and Budgeting (OSPB)	X	X		X	X
DE	Department of Education (DOE)	X	X	X	X	X
DE	Department of Services for Children, Youth and Families (DSCYF)	X	X	X	X	X
DE	Office of the Governor (OGOV)	X	X	X	X	X
HI	Department of Education	X	X	X	X	X
HI	Department of Health	X	X	X	X	X

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HI	Department of Human Services	X	X	X	X	X
HI	Budget and Finance	X	X	X	X	X
HI	Department of Business, Economic Development, and Tourism	X	X	X	X	X
HI	Department of Commerce and Consumer Affairs	X	X	X	X	X
HI	Office of the Governor	X	X	X	X	X
HI	State Council on Mental Health	X	X	X	X	X
IL	Board of Education	X	X	X	X	X
IL	Department of Children and Family Services	X	X	X	X	X
IL	Department of Human Services	X	X	X	X	X

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IL	Department of Public Health	X	X	X	X	X
IL	Office of the Governor	X	X	X	X	X
IN	Department of Education (DOE)	X	X	X	X	X
IN	Department of Health (DOH)	X	X	X	X	X
IN	Indiana Department of Child Services (DCS)	X	X	X	X	X
IN	Family and Social Services Administration (FSSA)	X	X	X	X	X
KS	Board of Regents	X	X		X	X
KS	Department for Aging and Disability Services	X	X		X	X
KS	Department of Children and Family Services	X	X		X	X

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KS	Department of Education	X	X		X	X
KS	Department of Health & Environment	X	X		X	X
KS	Governor's Office	X	X		X	X
MN	Department of Human Services	X	X		X	X
MN	Department of Education	X	X		X	X
NE	Department of Health and Human Services (DHHS)	X	X	X	X	X
NE	Department of Education (DOE)	X	X	X	X	X
NE	Children's Commission	X	X	X	X	X
NE	Governor's Office	X	X	X	X	X

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NY	Council on Children and Families	X	X	X	X	X
NY	Department of Education	X	X	X	X	X
NY	Department of Health	X	X	X	X	X
NY	Office of Children and Family Services	X	X	X	X	X
NY	Office of Mental Health	X	X	X	X	X
NY	Office of the Governor	X	X	X	X	X
NY	State Division of the Budget	X	X	X	X	X
OH	Department of Children and Youth	X	X	X	X	X
OH	Department of Education and Workforce	X	X	X	X	X

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OH	Department of Health	X	X	X	X	X
OH	Department of Higher Education	X	X	X	X	X
OH	Department of Job and Family Services	X	X	X	X	X
OH	Department of Mental Health & Addiction Services	X	X	X	X	X
OH	Department of Youth Services	X	X	X	X	X
OH	Office of the Governor	X	X	X	X	X
PA	Department of Communities and Economic Development	X	X	X	X	X
PA	Department of Education (DOE)	X	X	X	X	X
PA	Department of Health (DOH)	X	X	X	X	X

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PA	Department of Human Services (DHS)	X	X	X	X	X
PA	Governor's Office	X	X	X	X	X
PA	Office of the Budget	X	X	X	X	X
SD	Board of Regents	X	X	X	X	X
SD	Bureau of Finance and Management	X	X	X	X	X
SD	Department of Education	X	X	X	X	X
SD	Department of Health	X	X	X	X	X
SD	Department of Social Services	X	X	X	X	X
SD	Governor's Office	X	X	X	X	X
SD	AG's office	X	X	X	X	X

1 **IT IS SO ORDERED.**
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DATED: _____

Hon. Peter H. Kang
United States Magistrate Judge